IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Writ Petition No.1307 of 2001

Ramashankar Bansraj Mallah & ors. Petitioners
Vs.
Mrs.Bansrajidevi wd/o. Lalji Mallah
and ors. Respondents

Ms.T.K.Bairagdar i/b. Mr.M.P.Vashi for petitioners.

CORAM: B.H.MARLAPALLE, J.

April 19, 2007.

P.C.

. As per the conditional order dated 18/9/2006 this writ petition has been dismissed against respondent nos.4 and 5.

. L.E.Suit No.302/435 of 1979 came to be decided by the Small Causes Court at Mumbai and it was decreed by directing the defendant nos.1 to 3 to deliver vacant and peaceful possession of the suit premises to the plaintiffs. This decree came to be challenged in Appeal No.568 of 1997 and the Appellate Bench of the Small Causes Court was pleased to dismiss the same vide its judgment and order dated 9/1/2001. Hence this second appeal.

. As per the order passed by me on 24/8/2006 in Writ Petition No.4138 of 2006, the decree passed by

the trial Court and confirmed by the lower Appellate Court can be challenged by filing a revision application under Section 115 of CPC and when such a statutory remedy is available a writ petition under Article 227 of the Constitution need not be entertained.

. Hence the petition is disposed with liberty to file a revision application under Section 115 of CPC and if such a revision is filed within a period of four weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any, in filing the revision application. Annexures to the petition memo be returned, if applied for.

(B.H.MARL